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Counsel for James Nelsen

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JAMES NELSEN,  
  
Defendant.

No. CR 09-01168 RMW

STIPULATION RE CONTINUANCE  
OF STATUS DATE; []  
ORDER

It is hereby stipulated between the defendant James Nelsen, by and through his attorney of record VICKI H. YOUNG, and the government, through Assistant United States Attorney Jeffrey B. Schenk, that the status date of December 3, 2012, at 9:00 a.m. be continued to Hgdtwct{ '6, 2013 at 9:00 a.m. The reason for this continuance is that the defense counsel is still trying to obtain the necessary medical records from FMC Butner to be reviewed by the defense psychiatrist. James Nelsen has already been found incompetent by both the defense psychiatrist and the medical staff at Butner. The current issue is whether this court will order that James Nelsen may be forcibly mediated in an effort to restore his competency.

Under Title 18 U.S. C. §3161(h)(1)(A), any period of delay resulting from any proceeding to determine the mental competency or physical capacity of the defendant is excluded from the speedy

STIPULATION RE CONTINUANCE;  
[] ORDER

1 trial calculation. Therefore, the time period from December 3, 2012 through January 28, 2013,  
2 should be excluded.

3 It is so stipulated.

4 Dated: November 29, 2012

Respectfully submitted,

6  
7 /s/ Vicki H. Young  
VICKI H. YOUNG, ESQ.  
Attorney for James Nelsen

9 Dated:

MELINDA HAAG  
UNITED STATES ATTORNEY

11  
12 /s/ Jeffrey B. Schenk  
JEFFREY B. SCHENK  
Assistant United States Attorney

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~~PROPOSED ORDER~~

GOOD CAUSE BEING SHOWN, the status date appearance set for December 3, 2012, is continued to Hgdtwct{"6, 2015. This Court finds that the period from December 3, 2012, through and including Hgdtwct{"6, 2013 is excludable time under the Speedy Trial Act, 18 U.S.C. §3161(h). The basis for such exclusion is that any delay resulting from any proceeding to determine the mental competency or physical capacity of the defendant is excluded from the Speedy Trial Calculation. 18 U.S.C. § 3161(h)(1)(A).

DATED: FFDIG

  
RONALD M. WHYTE  
SENIOR UNITED STATES DISTRICT JUDGE

STIPULATION RE CONTINUANCE  
☐ ORDER